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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/784,383
Filing Date: February 23, 2004
Appellant(s): SILVER ET AL.

MAILED
AUG 08 2007
GROUP 2600

David A. Fox (Reg. No. 38,807)
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed June 19, 2007 appealing from the Office action mailed September 7, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,604,049 B2	Yokota	08-2003
US 6,470,264 B2	Bide	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota [US 6,604,049 B2].

As for **claim 1**, Yokota discloses a method for identifying a location comprising:

- a. Storing identification information associated with a location (column 3, lines 40-50 and column 11, lines 34-65);
- b. A viewing apparatus that enables a user to have a view of his or her surroundings and to select a location from the view of the surroundings for identification (Figure 3, column 3, lines 25-39);
- c. Causing the viewing apparatus to transmit location information regarding the location as selected by the user for the identification, the location information including an image of a target in the surrounding (column 7, lines 14-25); The location information including coordinates defining the location of the user (column 12, lines 41-55).

- d. Providing a location identification device operative to receive the location information, to use the location information to determine identification information for the location, in response to at least the image of the target and to transmit the identification information to the viewing apparatus (column 7, lines 24-33); and
- e. Causing the viewing apparatus to display the identification information on the view of the surroundings (column 9, lines 3-6).

Yokota does not specifically disclose that the location is a delivery location and that identification information includes street address and a telephone number for the delivery location. However, in Figure 8, Yokota discloses that several types of information may be retrieved for a given location. One of ordinary skill in the art would have recognized that any type information could have been stored on the server for retrieval by the user to confirm thoughts about a particular location. This is viewed as a matter of design. The requirement for the location to be a delivery location is viewed as a matter of intended use. However, any of the buildings shown in Figure 8 that have a postal address can be viewed as delivery location.

As for **claims 3 and 7**, Yokota shows a step of causing the viewing apparatus to display the identification information in association with the location on the view of a the surroundings (column 6, lines 24-31, column 12, lines 60-67, and Figure 3).

Regarding **claim 6**, Yokota discloses a system for identifying a location comprising:

- a. A viewing apparatus (10);
 - i. Providing a user with a view of his or her surroundings (see Figures);
 - ii. Allowing the user to select a location from the view of the surroundings for identification (column 5, lines 3-12);

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- iii. Operative to transmit the location information data regarding the location, the location information including an image of a target (column 5, lines 13-23);
- b. A location identification device operative (30),
 - i. To receive the location information,
 - ii. To use the location information to obtain identification information about the location in response to at least the image of the target,
 - iii. To transmit the identification information to the viewing apparatus (see column 9, lines 6-30 and column 10, lines 43-45).
- c. The viewing apparatus is further operative to display the identification information about the location on the view of the surroundings (column 12, lines 60-67).

Yokota does not specifically disclose that the location is a delivery location and that identification information includes street address and a telephone number for the delivery location. However, in Figure 8, Yokota discloses that several types of information may be retrieved for a given location. One of ordinary skill in the art would have recognized that any type information could have been stored on the server for retrieval by the user to confirm thoughts about a particular location. This is viewed as a matter of design. The requirement for the location to be a delivery location is viewed as a matter of intended use. However, any of the buildings shown in Figure 8 that have a postal address can be viewed as delivery location.

3. Claims 2, 4, 5, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota as applied to the claims above and in further view of Bide [US 6,470,264].

Regarding **claims 2, 10, and 11**, Yokota does not explicitly disclose that the viewing apparatus transmits orientation information. However, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that when using the camera of Yokota orientation information about a selected location is obviously sent. The orientation information would be based on the angle at which the image was obtained. In an analogous art, Bide discloses a step of causing the viewing apparatus to transmit orientation information regarding the location as selected by the user for identification (column 3, lines 10-23 and 34-40). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that while orientation information is not explicitly taught by the references, the information is obviously transmitted so that information associated with an image can be properly presented to a user when recalled.

As for **claims 4, 5, 8, and 9**, Yokota discloses that identification information may be provided for a particular image (Figures 1 and 8). Yokota does not explicitly state that the information may comprise an address or telephone number. In an analogous art, Bide discloses that identification information can comprise an address and/or telephone number (column 6, lines 18-27). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Yokota to include the display of address and telephone information because the modification would result in a system capable of providing a user with more detailed information for identifying a location.

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4. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota in view of Bide as applied to the claims above and in further view of Hakala et al [U.S. Patent No. 6,452,544].

Regarding **claim 12**, Yokota does not disclose that a location may be determined to be a specified distance from a user. Bide suggests, but does not specifically disclose that a location may be determined to be a specified distance from a user. In an analogous art, Hakala discloses a system for identification of a location wherein identification information may be displayed in a user's field of view (Figure 1A and column 4, lines 37-62). Hakala teaches that the system may provide identification information to a user, as a user comes within a range of a location (point of interest). The identification information may be displayed to the user (column 9, lines 1-26). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the Yokota and Bide inventions to include the concept of automatically providing identification information as a user comes within a range of a point of interest. This would have been an obvious modification because it would provide a system for identifying locations or points of interest that requires little or no interaction from a user in order to obtain identification information. This type of system would be advantageous for tourist and educational attractions.

As for **claim 13**, each invention discloses that identification information may be displayed in association with the location on the view of a user's surroundings (see claims above).

As for **claims 14 and 15**, each reference teaches that a plurality of types of information could be provided as identification information (Hakala, column 9, lines 55-60 and Bide, column 6, lines 18-27).

As for **claims 16 and 17**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the system must determine that the location and orientation in the view is within a specified distance from the user. This is obvious because information is retrieved automatically. Bide shows that location information and orientation are used to identify the identity of the location. If a location is outside of an operable range for retrieving information for that location, identification information will not be retrieved.

(10) Response to Argument

Appellant's Argument:

With respect to the rejections of claims 1, 3, 6, and 7, Examiner has applied an improper standard for finding obviousness. More specifically, Examiner has relied on the "obvious to try" and "design choice" doctrines to arrive at the claimed invention. Appellants argue that Yokota does not suggest the claimed invention and using the identification information that includes street address and telephone number to confirm that the image of the target is a delivery location provides a function not available in the invention of Yokota.

Examiner's Response:

Examiner respectfully disagrees with Appellant. With regard to claims 1, 3, 6, and 7, as shown in the rejection, Yokota discloses all of the steps and component parts of the claims. Yokota discloses in Figure 8 and in column 11, lines 34-65 that various types of information associated

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with a location are stored. The only difference is that Yokota does not specifically disclose that the stored information includes a street address and a telephone number. From the text, it can be seen that the stored information is used to verify information about a target location. Thus, it would have been obvious to one having ordinary skill in the art to store a street address and telephone number as text information in the Yokota reference for verifying a location. The street address and telephone number could be used to achieve the predictable results of verification of a location just as the other stored data taught by Yokota are used to identify and verify certain facts about a target location. Further, it would have been obvious to the skilled artisan to try the inclusion of a street address and telephone number for identifying a target, as a person with ordinary skill has good reason to pursue the known options within his or technical grasp.

Appellant's Argument:

With regard to the rejections of claims 2, 10, and 11, Appellant argues that Bide does not disclose orientation information regarding the location as selected by the user for identification. The orientation information in claim 2, relates to the relationship between a user and a location selected for identification.

Examiner's Response:

With regard to the claims, examiner agrees that Bide discloses a PDD, which uses a compass to detect a 3D directional vector for the user. Examiner contends that determining the orientation of a user while facing a target location defines a relationship between the user and the target. More specifically, when a user is focused on a target the PDD provides orientation information that relates to the user with respect to the target location.

Appellant's Argument:

With respect to claims 4, 5, 8, and 9 neither Bide nor Yokota disclose providing a user with an address or telephone number.

Examiner's Response:

Examiner respectfully disagrees with appellant's argument. The rejection of the claims under 35 USC 103 (a) as being unpatentable over Yokota in view of Bide reasonably meets the limitation of the claims. Please refer to Examiner's response with respect to claim 1 above for further explanation of the rejection.

Appellant's Argument:

With respect to claims 12-15 neither Yokota, Bide, or Hakala et al disclose providing a user with an address or telephone number.

Examiner's Response:

Examiner respectfully disagrees with appellant's argument. The rejection of the claims under 35 USC 103 (a) as being unpatentable over Yokota in view of Bide and further in view of Hakala et al reasonably meets the limitation of the claims. Please refer to Examiner's response with respect to claim 1 above for further explanation of the rejection.

Appellant's Argument:

With regard to the rejections of claims 16-17, Appellant argues that neither Yokota, Bide, nor Hakala discloses determining the location and the orientation in the view.

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Examiner's Response:

With regard to the claims, examiner agrees that Bide discloses a PDD, which uses a compass to detect a 3D directional vector for the user. Examiner contends that determining the orientation of a user while facing a target location defines a relationship between the user and the target. More specifically, when a user is focused on a target the PDD provides orientation information that relates to the user with respect to the target location. The skilled artisan would recognize that determining the orientation information while facing a target location would result in the determination of the location and the orientation of the user with respect to the view of the location. This reasonably meets the claimed limitations.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Eric M. Blount





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8/2/07
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